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PATENT  
Attorney Docket No. 80168-0105  
Client Ref. No. P5080

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Mark A. KAMPE et al.

Serial No.: 09/845,770

Filed: May 2, 2001

For: METHOD AND SYSTEM FOR  
ACHIEVING HIGH  
AVAILABILITY IN A  
NETWORKED COMPUTER  
SYSTEM

Examiner: UNASSIGNED

Art Unit: 2161

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Commissioner For Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449, which the Examiner may deem relevant to patentability of the claims of the above-identified application. One copy of each of the listed documents is submitted herewith.

This Information Disclosure Statement is being filed beyond three months of the application's filing date, but before the mailing of a first Office Action on the merits of the application. Therefore, no certification under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

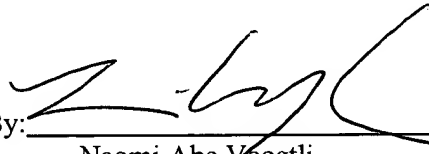
This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute "prior art." If the Examiner applies the documents as "prior art" against any claims in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-1349. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**HOGAN & HARTSON LLP**

By:   
Naomi Abe Voegtli  
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Dated: August 17, 2001

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